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January 30, 2008

### By Facsimile and US Mail

Rebecca Eisen Teresa Mak MORGAN LEWIS & BOCKIUS, LLP One Market, Spear Street Tower San Francisco, CA 94105

Re: Saidel, et al. v. CBS Radio, Inc., et al

Dear Ms. Eisen and Ms. Mak:

This letter is plaintiffs' final effort to meet and confer to obtain the contact information for the putative class of account executives and their supervisors, as requested in special interrogatories 1-4. At this juncture, plaintiffs will have no option but to file a motion to compel production of this information unless CBS changes its position and provides the requested information no later than February 4, 2007. If CBS does not provide the information, we plan to schedule hearing on the motion for a date after our March 12<sup>th</sup> mediation in the hope that we reach a compromise. However, we cannot wait to file the motion until such time because of both the notice period for hearing this motion and the pending court deadline for filing class certification in this matter.

As it stands, CBS has refused to provide any contact information for any current or former supervisors despite our offer not to contact any current managers to investigate our case. With respect to class members, CBS has now provided the sample of 50 names we will contact before mediation, but has refused to disclose any other names. As we discussed in our conversations and I confirmed in my e-mails of November 20, 2007 and November 27, 2007, plaintiffs did not agree to waive our right to file a motion to compel the entire class list, and we will be left with no other option if CBS continues to deny access to these witnesses. For all of the reasons outlined in my letters on November 7, 2007 and November 20, 2007, plaintiffs are entitled to this contact information as all of these individuals are percipient witnesses to whom CBS has had unfettered access in the eight months since this litigation was filed. The contact information is not protected by the right to privacy for all of the reasons I described in my letters. My arguments have been further reinforced by the recent appellate decision in Puerto v. Sup. Ct., --- Cal. Rptr. 3d ----, 2008 WL 131989 (January 15, 2008), affirming that plaintiffs in a wage and hour class action are entitled to this identifying witness information without the delay and expense of a privacy notice.

Rebecca Eisen Teresa Mak January 30, 2008 Page 2

Based on the overwhelming legal authority supporting plaintiffs' position on these issues, I ask that you reconsider your position one last time to avoid costly and time consuming motion practice. If you do not provide all of the requested contact information by February 4, 2007, we will file our motion and seek a hearing date shortly after our March 12<sup>th</sup> mediation. If you have any questions, please call me immediately at (925) 932-6006. Thank you in advance for your anticipated cooperation.

Very truly yours,

HINTON, ALFERT & SUMNER

DAVID POGREL

DP/ta enclosures

cc: Michael Singer and Christopher Olsen, Cohelan & Khoury Mike Baller and Enrique Martinez, Goldstein, Demchak et al.

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January 30, 2008

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FROM:

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RE:

Saidel et al. v. CBS Radio, Inc. et al.

**COMMENTS:** 

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TITANTE VOLT